## **REGULATION 39-22-303.4.**

- (1) The provisions of this regulation apply for income tax years beginning prior to January 1, 2009. Statutory sections referenced in the regulation refer to those sections as they existed prior to January 1, 2009.
- "Safe Harbor" lease income. All income and deductions created by "safe harbor" lease transactions shall be included in the numerator of the Colorado revenue factor only if the lessor's commercial domicile is located in Colorado. All income and deductions created by "safe harbor" lease transactions shall not be included in the numerator of the Colorado revenue factor if the lessor's commercial domicile is not in Colorado.
- (3) Colorado destination sales of a corporation not having nexus in Colorado when such corporation is an includable member of an affiliated group of corporations. In the case of a corporation that does not have nexus (is not doing business) in Colorado even though it is an "includable corporation" in an affiliated group of unitary corporations filing a combined Colorado return, the sales of such corporation of property delivered to purchasers in Colorado shall not constitute Colorado sales for purposes of determining the revenue factor.